

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

JAMES LEE CONSTRUCTION,  
INC., a Montana Corp., JAMES B.  
LEE, and TRACY D. LEE, husband  
and wife,

Plaintiffs,

vs.

GOVERNMENT EMPLOYEES  
INSURANCE COMPANY, et. al.,

Defendants.

CV 20–68–M–DWM

ORDER

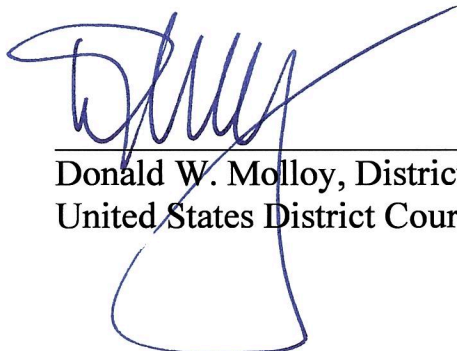
Plaintiffs James Lee Construction, Inc., and husband and wife James and Tracy Lee (the “Lees”) represent a putative class (collectively “Plaintiffs”) challenging the subrogation practices of Defendants GEICO and related GEICO entities (collectively “GEICO”). In ruling on the recent motion to dismiss, the Court determined that an attorney affidavit and its attachments lodged under seal by Plaintiffs belong in the public record unless GEICO could show cause otherwise. (*See* Doc. 55 at 9–10.) In response, GEICO requests only five pages remain under seal, currently lodged at Doc. 48 at 45–48, 57. (Doc. 56 at 2.)

On April 7, 2021, GEICO was given an additional five days to show specific cause why these full documents should remain under seal and propose potential

redactions. (Doc. 57.) In response to that order, GEICO simply stated that it should be permitted to retain its “trade secrets” because the affidavit and attached documents were not cited by the Court in its ruling on the motion to dismiss. (Doc. 59.) GEICO did not, however, do either of the things the Court requested; i.e., GEICO did not justify why this specific information should remain sealed nor did it propose a redacted version for the public record. Accordingly,

IT IS ORDERED that the Clerk of Court is directed to file the affidavit and attachments lodged at Doc. 48 in the public docket of this case.

DATED this 13<sup>th</sup> day of April, 2021.



Donald W. Molloy, District Judge  
United States District Court